

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:14-CR-58-1FL

No. 5:14-CR-58-2FL

UNITED STATES OF AMERICA)	
)	
v.)	STIPULATION AND ORDER REGARDING
)	PROTECTION OF GOVERNMENT DISCOVERY
AVIN MARSALIS BROWN)	
AKBA JIHAD JORDAN)	

It is hereby stipulated and agreed between the United States and Defendants AVIN MARSALIS BROWN and AKBA JIHAD JORDAN, by and through their attorneys, Christopher J. Locascio and Robert H. Hale, Jr., respectively, and ORDERED by the Court pursuant to Federal Rule of Criminal Procedure 16(d), that:

1. Any and all discovery material produced to Defendants by the government in the above-captioned case, and any and all copies, notes, transcripts, documents or other information derived or prepared from the discovery material, may be used by Defendants and their attorneys for any purpose consistent with this order in furtherance of the representation of Defendants in connection with this case.

2. Any and all discovery material produced to Defendants by the government, and any copies, notes, transcripts, documents or other information derived or prepared from the discovery material produced to Defendants, shall not be further

disseminated by Defendants or their attorneys to any individuals, organizations or other entities, other than members of the legal staff of the undersigned defense counsel (including any expert acting in this matter at the request and direction of defense counsel), without further order of the Court.

3. Each of the individuals to whom disclosure is authorized in paragraph 2, that is, members of the legal staff of the undersigned defense counsel, shall be provided a copy of this Stipulation and Order and will be advised that he or she shall not further disseminate any portion of the discovery material or any copies, notes, transcripts, documents or other information derived or prepared from the discovery material, except in conformity with this Stipulation and Order.

4. Defense counsel agrees to maintain a list of the individuals to whom disclosure is authorized in paragraph 2, that is, members of the legal staff of the undersigned defense counsel, and to provide this list to the government and the Court upon request.

5. If Defendants or defense counsel wish to disclose any portion of the discovery material, or any copies, notes, transcripts, documents or other information derived or prepared from the discovery material, to any individual to whom disclosure is not authorized by paragraph 2, including any public filing of the discovery material or information contained

therein, defense counsel must provide advance notice to the government and make application to the Court for authorization to make such disclosure, and such notice must be given sufficiently in advance of the contemplated application so as to permit briefing and argument on the propriety of such disclosure.

6. None of the discovery material, nor any copies, notes, transcripts, documents or other information derived or prepared from the discovery material, shall be disseminated to, or discussed with, the news media in any form. Nothing in this Stipulation and Order shall prohibit the news media from obtaining copies of any items that become public exhibits at any conference, hearing, trial or other proceeding.

7. Any and all discovery material produced to Defendants containing video or audio recordings created by law enforcement shall not be copied or reproduced in any way. If Defendants or defense counsel wish to copy and/or reproduce such recordings, defense counsel shall provide advance notice to the government and make application to the Court for authorization to make such copies and reproductions, and notice must be given sufficiently in advance of the contemplated application so as to permit briefing and argument on the propriety of such application.

8. Any and all discovery material produced to Defendants containing video or audio recordings created by law enforcement

shall be maintained at the offices of defense counsel, and shall be removed from such offices only by individuals to whom disclosure is authorized in paragraph 2 for purposes of transporting such recordings to court or to review with Defendants.

9. If any information about the actual or cover personal identifiers of any FBI Confidential Human Source (CHS) or FBI Online Covert Employee (OCE) is included within the discovery materials, Defendants and defense counsel will not publicly disclose such information, including in any public filing or in open court.

10. Nothing in this Stipulation and Order shall preclude the government from seeking a modification of this protective order or additional protective orders pursuant to Rule 16(d) or Section 3 of the Classified Information Procedures Act (CIPA) as to particular items of discovery material.

11. If either Defendant obtains substitute or additional counsel, the undersigned defense counsel will not transfer any portion of the discovery material, or any copies, notes, transcripts, documents or other information derived or prepared from such material, unless and until the substitute or additional counsel enters into this Stipulation and Order.

12. Defendants and defense counsel will return to the government the discovery material and all copies thereof,

whether in the possession of Defendants, defense counsel or members of the legal staff of defense counsel who have signed this Stipulation and Order, upon termination of defense counsel's representation in this matter or upon the conclusion of any direct appeal, whichever comes first.¹

13. Any violation of this Stipulation and Order (a) will require the immediate return to the United States of the discovery material and all copies thereof, and (b) may result in contempt of Court.

14. This Order is entered without prejudice to any party's right to seek a revision of the Order by appropriate motion to the Court.

STIPULATED AND AGREED TO BY:

For the United States:

THOMAS G. WALKER
United States Attorney

/s/ Eric D. Gouliau
ERIC D. GOULIAN
Assistant United States Attorney
310 New Bern Avenue, Suite 800
Raleigh, NC 27601
Tel: 919-856-4356
Fax: 919-856-4487
Email: Eric.Gouliau@usdoj.gov

¹ If any discovery material provided by the Government was done so by copying the information to a digital media device (e.g, a hard drive) provided by defense counsel, the device will be delivered to the Government, and the Government will then either remove the information from the device and return it to defense counsel, or the Government will replace the device with one that is substantially the same.

For Defendant Avin Marsalis Brown:

THOMAS P. McNAMARA
Federal Public Defender

/s/ Christopher J. Locascio
CHRISTOPHER J. LOCASCIO
Assistant Federal Public Defender
Office of the Federal Public Defender
150 Fayetteville Street, Suite 450
Telephone: 919-856-4236
Fax: 919-856-4477
E-mail: Chris_Locascio@fd.org
N.C. State Bar No. 29326
LR 57.1 Counsel Appointed

For Defendant Akbar Jihad Jordan:

ROBERT H. HALE, JR. & ASSOCIATES
ATTORNEYS AT LAW, PC

/s/ Robert H. Hale Jr.
ROBERT H. HALE, JR.
N.C. State Bar No. 21352
P.O. Box 1349
Raleigh, NC 27602
Telephone: 919/838-0058
Facsimile: 919/833-9427
Robert@halecriminallaw.com

So ordered, this 4th day of April, 2014.



LOUISE W. FLANAGAN
United States District Judge